

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 333 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 : NO

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SOHANSINH RAMSINH KHARADI

Versus

STATE OF GUJARAT

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Appearance:

MR YATIN SONI for Petitioners

MR SR DIVETIA APP for Respondent No. 1

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 20/06/98

ORAL JUDGEMENT

Heard learned advocate Mr. Y.S Soni for the applicants and the learned APP Mr. S.R Divetia for the State.

2. Applicants herein are the accuseds in Sessions Case No. 80 of 1996 pending before the learned Sessions

Judge, Panchmahals at Godhra. It is the grievance of the applicants that the investigating officer, during the course of his examination, did not bring along his police station diary nor has he produced the police station diary for the relevant days before the Court which has resulted in miscarriage of justice and that the true and correct facts are not brought on the record of the matter. The applicants, therefore, made an application Exh. 99 seeking direction that the investigating officer or any other officer from the Jhalod Police Station shall produce the Station Diary of the relevant dates i.e., 20th November, 1995 and 21st November, 1995 and the Wireless message of those days. The said application has been rejected by the learned Sessions Judge on 1st March, 1998. Feeling aggrieved, the applicants have preferred this application.

3. On the facts and in the circumstances of the case, present application is allowed. The learned trial Judge shall direct production of the Jhalod Police Station Diary of 20th November, 1995 and 21st November, 1995 and the wireless message book of those days, either by the investigating officer or any other responsible officer of the said police station. Rule is made absolute accordingly. There shall be no order as to costs. Direct service is permitted.

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Prakash\*